

REMARKS

Applicants have amended their claims in order to further clarify the definition of various aspects of the present invention. Specifically, Applicants have amended claim 1 to recite that conductive films having an SiGe layer are deposited over the gate insulating film; to recite that at least one electrode having the SiGe layer is formed by patterning the conductive films; and to recite that the mixed gas utilized in step (d) is a mixed gas of (A) a first gas including Ar, He, Ne, Kr, Xe or N₂, and (B) a second gas including CHF₃, CF₄, C₂F₆ or SF₆. See, for example, paragraphs [0121] and [0122] on pages 30 and 31 of Applicants' specification. In light of amendments to claim 1, claim 5 has been cancelled without prejudice or disclaimer, and claim 6 has been amended in its dependency, and to recite the "second" gas is CHF₃. Moreover, Applicants have cancelled claim 7 without prejudice or disclaimer.

Similarly, Applicants have amended claims 17 and 27 to recite that conductive films are deposited over the gate insulating film, with a gate electrode being formed by patterning the conductive films; and to recite that the mixed gas used in subjecting the semiconductive wafer to a plasma processing is a mixed gas of (A) a first gas including Ar, He, Ne, Kr, Xe or N₂, and (B) a second gas including CHF₃, CF₄, C₂F₆ or SF₆. Claims 17 and 27 have additionally been amended to recite that the step (B) includes substeps of depositing the SiGe layer "of the conductive films", and depositing a silicon (metal) layer "of the conductive films" over the SiGe layer. In light of amendments to claims 17 and 27, claims 21, 30 and 34 have been cancelled without prejudice or disclaimer, and dependencies of claims 22, 31 and 35 have been amended, with claim 22 being further amended to recite the "second" gas. Moreover, a typographical error has been corrected in claim 25.

Applicants have also added new claims 38-40 to the application, dependent respectively on claims 1, 17 and 27, and reciting that the first gas includes Ar, Ne, Kr or N₂.

Applicants respectfully traverse the rejection of claims under the first paragraph of 35 USC 112, as set forth in Items 4 and 5 on pages 2 and 3 of the Office Action mailed April 16, 2007, particularly insofar as this rejection is applicable to the claims as presently amended. Thus, Applicants have amended their claims to recite gasses set forth in paragraphs [0121] and [0122] on pages 30 and 31 of Applicants' specification. Particularly in view thereof, it is respectfully submitted that the present claims clearly comply with the written description requirement.

The contention by the Examiner in Item 4 on page 2 of the Office Action mailed April 16, 2007, that the only examples of gasses, which may be used as the first gas in the specification, are inert gasses such as Ar and N₂, is noted. The Examiner's attention is respectfully directed to paragraph [0121] on page 30 of Applicants' specification, setting forth specific gasses hardly reactive to Ge. Clearly, there is provided a description satisfying the first paragraph of 35 USC 112, for each of the gasses listed for the first gas in the present claims.

Applicants respectfully traverse the rejection of their claims under the first paragraph of 35 USC 112, as not being based on an enabling disclosure, set forth in Item 5 on page 3 of the Office Action mailed April 16, 2007, particularly insofar as this rejection is applicable to the claims as presently amended. Thus, the present claims recite specific gasses for the first gas, as well as specific gasses for the second gas, consistent with the description on pages 30 and 31 of Applicants' specification, as discussed previously.

Note particularly the description in paragraph [0121] on page 30 of Applicants' specification, that the gas hardly reactive to Ge is not limited to Ar, but other inert gasses, such as He, Ne, Kr or Xe can be used, and, also, N₂ gas can be used. Especially in view of the guidance provided in Applicants' specification, it is respectfully submitted that one of ordinary skill in the art, without undue experimentation, could practice the present invention, using any of the gasses recited in the present claims. It is respectfully submitted that the first paragraph of 35 USC 112 requires nothing more. Cf. In re Angstadt, 190 USPQ 214 (CCPA 1976).

Applicants respectfully traverse the rejection of their claims under the second paragraph of 35 USC 112, as set forth in Item 7 on pages 3 and 4 of the Office Action mailed April 16, 2007, especially insofar as applicable to the claims as presently amended. Thus, the independent claims in the application, that is, claims 1, 17 and 27, have been amended to recite parenthetical expressions of "(A)" and "(B)" for the first and second gasses, respectively, of the mixed gas. In view of this amendment of the independent claims, the terms "(a)" and "(b)" are not being used "in two different manners", as referred to by the Examiner in Item 7 on pages 3 and 4 of the Office Action mailed April 16, 2007.

In view of the foregoing comments and amendments, reconsideration and allowance of all claims presently in the application are respectfully requested.

Applicants request any shortage in fees due in connection with the filing of this paper be charged to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case 1374.39812VV2), and credit any excess payment of fees to such Deposit Account.

Respectfully submitted,

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